

completed, and to charge for transportation of passengers and freight thereon.

Construction
across public
road.

Proviso.

SEC. 12. That the said company shall have the right, when necessary, to construct their said railroad across any public road or other railroad or alongside of any public road: *Provided*, said company shall not obstruct any public road without constructing one equally as good and convenient as the one taken by the company, and shall be accepted by the board of county commissioners.

Condemnation of
land.

SEC. 13. That whenever, for any cause, the said railroad company cannot agree with the owner of the land over which their road shall go, for the purchase of land for way, the said company may file a petition before the clerk of the superior court of the county wherein the land lies, specifying the object for which the land is desired, with a description thereof. The clerk of the superior court shall thereupon appoint five disinterested freeholders, who shall be summoned by the sheriff to meet on the premises, at a time not more than ten days from the time of appointment, and assess the damage for the land taken. In assessing the damages the appraisers shall take into consideration the actual value of the land, together with any special damage likely to accrue to the owner, and likewise shall consider any special benefit which the owner may derive from the location of the road. If the condemnation shall extend only to the right of way, the said appraisers shall make their report to the clerk of the superior court within two days from the time of their meeting on the premises. Said report shall be recorded in the office of register of deeds after the approval by the clerk and payment of damages assessed, and shall have the force and operation of a deed. Either party may appeal to the superior court in term from the approval or disapproval of the clerk. The cause shall then be proceeded with in accordance with other appeals, and shall stand for trial at the term to which the appeal is taken. The appeal must be proved within ten days from the approval or disapproval of the clerk.

Appeal.

Width of right of
way.

SEC. 14. That the right of said company to condemn and take land under this act shall be limited to the space of fifty feet on each side of their road-beds along the main track and its branches, measuring from the center of the same; and in all cases where the land for the right of way over land has been condemned and taken, the owner shall petition the sheriff for assessment of damages within two years from condemnation and occupation, and not after, except in case of legal disability, and in such cases within two years from the removal of such disability.

Statute of limita-
tion.

Exclusive right of
transportation.

Proviso.

SEC. 15. That the said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce over said road at just and reasonable charges: *Provided*, that said company shall not discriminate against towns and cities in the matter of transportation rates in the State of North Carolina.